

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,

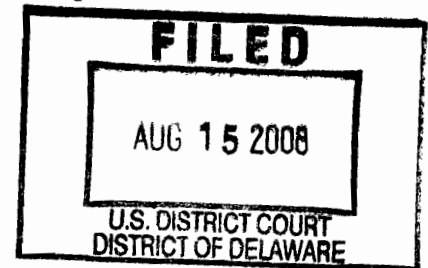
Plaintiff,

v.

LAWNS UNLIMITED LTD.

Defendant.

Civ. No. 05-495-JJF  
Judge Joseph J. Farnan Jr.



**THIRD AMENDED COMPLAINT**

Plaintiff is submitting this Third Amended Complaint which combines the Second Amended Complaint and Motion to Add New Claim. Plaintiff has included in the Prayer for Relief, Paragraph D which includes both Pain and Suffering and Punitive Damages.

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination. Jurisdiction exists by virtue of 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff resides at 58 Hickory Drive, North East, Cecil County, MD 21901. Telephone number 410-441-4300.

3. Defendant is located at 15089 Coastal Highway, Milton, Sussex County, DE 19968.

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's Lawns Unlimited) place of business located at 15089 Coastal Highway, Milton, Sussex County, DE 19968.

5. The alleged discriminatory acts occurred [on] from [01-09-2003 to 07-01-2004] September 1, 2003 to January 7, 2004.

6. The alleged discriminatory practice is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware, Division of Industrial Affairs & EEOC, 4425 N. Market St., Wilmington, New Castle County, DE 19802, regarding defendant's alleged discriminatory conduct [on] from [01-09-2003 to 07-01-2004] September 1, 2003 to January 7, 2004.

8. Plaintiff filed charges with the Equal Employment opportunity Commission of the United States regarding defendant's alleged discriminatory conduct on [17-02-2004] February 17, 2004.

9. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which was received by plaintiff on [09-06-06] June 9, 2006. See attached.

10. The alleged discriminatory acts, in this suit, concern: termination of plaintiff's employment and other acts including but not limited to cancel health insurance without written notice and did not offer Cobra. Did not receive vacation, sick, and personal time. Deleted overtime hours and no pay out on bonus.

11. Defendant's conduct is discriminatory with respect to the following: Plaintiff's sex.

12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

13. If relief is not granted, plaintiff[s] will be irreparable denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

14. Plaintiff[s] has no adequate remedy at law to redress the wrongs described above.

THEREFORE, Plaintiff prays as follows:

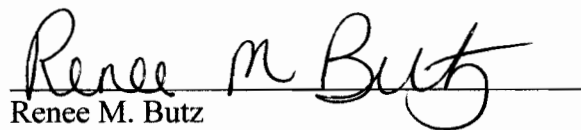
A. That all fees, cost or security attendant to this litigation by hereby waived.

B. That the Court appoint legal counsel.

C. That the Court grant such relief as may be appropriate, including injunctive orders, damages, cost and attorney's fees.

D. Judgment against Defendant for all manner of equitable, compensatory, pain and suffering, punitive, and other damages permitted by law, including costs and attorneys fees, and for interest on such damages at the maximum rate permitted by law.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, reading "Renee M Butz", is written over a horizontal line.

Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410)441-4300  
Plaintiff pro se

Dated: 8-14-08



STATE OF DELAWARE  
DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS  
4425 NORTH MARKET STREET  
WILMINGTON, DELAWARE 19802

TELEPHONE (302) 761-8200  
FAX (302) 761-6601

OFFICE OF LABOR LAW ENFORCEMENT APPOINTMENT

NAME

Renee M. Butz

Your scheduled appointment time to have an intake interview with a Labor Law Enforcement Officer concerning the possible filing of a charge of employment discrimination is as follows:

DAY:

Tues.

DATE:

2/17/04

TIME:

1:00 p.m.

LABOR LAW ENFORCEMENT OFFICER:

Melinda Shelton

In order to facilitate the charge taking procedure, you should bring with you relevant notes, documents or letters as well as names, addresses and telephone numbers of any witnesses or other materials that you believe may support your charge. Also, if you have been given a Questionnaire by this office, please complete and bring this with you.

Please note that the intake appointment is normally scheduled for two hours. This length of time is needed to insure that all intake processing and counseling can be completed without the need for you to return again to the office. Therefore, please schedule your other appointments accordingly to permit you to keep this appointment. In addition, please insure that you make travel arrangements suitable to enable you to remain in the office during the allotted interview time.

PLEASE REPORT ON TIME AS INDICATED ABOVE. PLEASE NOTE THAT IF YOU ARRIVE MORE THAN 15 MINUTES AFTER THE SCHEDULED APPOINTMENT TIME, WE WILL MOST LIKELY BE UNABLE TO KEEP YOUR APPOINTMENT TIME AVAILABLE FOR YOU AND YOUR APPOINTMENT WILL NEED TO BE RESCHEDULED.

IF YOU CANNOT KEEP YOUR APPOINTMENT, PLEASE CALL AS SOON AS POSSIBLE TO CANCEL THAT APPOINTMENT AND ARRANGE FOR RESCHEDULING. YOU SHOULD NOTE THAT A RESCHEDULED APPOINTMENT DATE WILL PROBABLY BE SEVERAL WEEKS AFTER YOUR ORIGINAL APPOINTMENT. THUS, IT IS TO YOUR ADVANTAGE TO KEEP THE ORIGINAL APPOINTMENT. CALLS FOR CANCELLATION AND SUBSEQUENT RESCHEDULING SHOULD BE MADE TO LABOR LAW ENFORCEMENT OFFICER ON DUTY AT (302) 761-8200. PLEASE STATE YOUR NAME, SPELL THE LAST NAME, GIVE THE DATE AND TIME OF THE PREVIOUS APPOINTMENT AND LEAVE A PHONE NUMBER WHERE YOU MAY BE REACHED DURING THE DAY. YOUR CALL WILL BE RETURNED AS SOON AS POSSIBLE.

Your signature below indicates your receipt of this document:

Signature:

Renee Butz

Date:

2-17-04

(Present this form to the Receptionist when you arrive at our office)



**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974

ENTER LARGE NUMBER



FEPA

☐

EEOC

04020302

17CA400296

**Delaware Department of Labor**

and EEOC

(State, or local Agency, if any)

NAME (Indicate Mr., Mrs., Ms)

Renee Marie Butz

HOME TELEPHONE NO. (Include Area Code)

(302) 832-1704

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

2 Cymbal Court Newark DE 19702 NCC

**NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)**

NAME

Lawns Unlimited, Ltd.

NO. OF EMPLOYEES OR  
MEMBERS 23

TELEPHONE NUMBER (Incl. Area Code)

(302) 645-5296

STREET ADDRESS

CITY, STATE AND ZIP CODE

15089 Coastal Hwy Milton, DE 19968

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE☐ RETALIATION ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE

EARLIEST 09/01/03

LATEST 12/23/2003

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s):

I. I am a female individual who began working for Respondent on 09/01/02 most recently as an Office Manager. In April 2003 I informed Respondent that I was pregnant and would be taking maternity leave once the baby was born. During my pregnancy Ed Fleming (President/Owner) and Jeanne Fleming (Owner/Treasurer) made numerous comments about my pregnancy and what I should do after the baby was born in regards to staying home and being a homemaker. On 12/23/03 I went into labor and worked half a day and then went out on maternity leave. That same day in the evening Respondent contacted me at home and demanded I come into work the next day and sign an employment contract. The following day I was contacted by Respondent again and instructed to come to work. That same day I sent Respondent an email stating that I was on maternity leave and would return to work after six weeks. I did not report to work on 12/24/03 and it was during my maternity leave that Respondent terminated my employment.

II. Respondent states that my employment was terminated because I did not inform them of my intended leave from work to take care of my new baby.

III. I believe I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended and the Delaware Discrimination in Employment Act based upon my pregnancy because: 1. Respondent was aware of my pregnancy from the time that I found out I was pregnant, 2. Respondent was aware that I would probably have the baby prior to my due date in January 2004, 3. On the day I went into labor I went to work and before leaving at 2pm I informed Respondent that I would begin my maternity leave effective immediately, 4. I informed Respondent that I would not be back to work until six weeks after the last date I worked and yet Respondent claims I abandoned my job. 5. Raul Rodriguez/Roberto Gonzales was absent from work for a period of 1 week due to a motor vehicle accident and was not terminated while he was out on medical leave.

☒ I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SIGNATURE OF COMPLAINANT

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary to meet State and Local Requirements)

2-17-04 Renee Butz  
Date Charging Party (Signature)

Subscribed and sworn to before me this date

(Day, month, and year)

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**EEOC AFFIDAVIT****Charge #:****Date:** 02/17/04**Charging Party Information****Name:** Renee Marie Butz**Street:** 2 Cymbal Court**City:** Newark**County:** NCC**State:** DE**Zip:** 19702**Tel (H):** (302) 832-1704**Tel (W):****DOB:** 1/1/ [REDACTED]**Sex:** Female**Race:** White**Nat'l Origin:** U.S.**SSN:** [REDACTED]-7861**Contact Person****Name:** Darlene Rizzo**Tel (H):** (410) 398-6127**Tel (W):****Address:****Employment Information****Date of Hire:** 09/01/02**Date of Termination:** 12/23/03**Date of Alleged Violation:** 12/23/03**Relief Sought:** Other Damages**Check One:** ☐ working ☒ not working ☐ sought employment at**Respondent Information****Name:** Lawns Unlimited, Ltd.**Address:** 15089 Coastal Hwy Milton, DE 19968**Type of Business:** Lawn Care**Size of Business:** 23**Basic Charge Data****Receiving Office:** 17C**Intake Unit:** 1**Accountable Office:** 17C**Intake Officer:** mss**Initial Inquiry:** 01/23/04**Respondent Type:** E**Received this Office:** 02/17/04**County:** 003**Source of Complaint:** A**SMSA:** 9160**Federal Referral Transfer:****SIC:** 078**Alleged Basis:** GP**Federal Agency:****Alleged Issues:** T2, D2

B3

**CONTINUATION OF AFFIDAVIT****1. COVERAGE/RESPONDENT'S BUSINESS:**

Lawn Care Services

**2. RELEVANT WORK HISTORY:**

I, I ama female individual who began working for Respondent on 09/01/02 most recently as an Office Manager. In April 2003 I informed Respondent that I was pregnant and would be taking maternity leave once the baby was born. During my pregnancy Ed Fleming (President/Owner) and Jeanne Fleming (Owner/Treasurer) made numerous comments about my pregnancy and what I should do after the baby was born in regards to staying home and being a homemaker. On 12/23/03 I went into labor and worked half a day and then went out on maternity leave. The following day I was contacted by Respondent and instructed to come to work. I did not return to work and it was during my maternity leave that Respondent terminated my employment.

**3. PERSONAL HARM:**

I believe I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as ammended and the Delaware Discrimination in Employment Act based upon my pregnancy because: 1. Respondent was aware of my pregnancy from the time that I found out I was pregnant, 2. Respondent was aware that I would probably have the baby prior to my due date in January 2004, 3. On the day I went into labor I went to work and before leaving at 2pm I informed Respondent that I would begin my maternity leave effective immediately, 4. I informed Respondent that I would not be back to work until six weeks after the last date I worked and yet Respondent claims I abandoned my job. 5. Raul Rodriguez/Roberto Gonzales was absent from work for a period of 1 week due to a motor vehicle accident and was not terminated while he was out on medical leave.

**4. RESPONDENT'S EXPLANATION FOR THE ALLEGED HARM AND ITS POLICIES AND PRACTICES:**

Respondent states that my employment was terminated because I did not inform them of my intended leave from work to take of my new baby.

**5. DIRECT EVIDENCE:**

See attached

**6. WITNESSES:**

Jack Westog (302) 644-2098 HOME (302) 381-5707 CELL

Debbie Watson (302) 934-0248 Home (302) 542-2118 Cell; this is the person who was going to be my assistant and would be able to cover my duties while I was on maternity leave, I began training her 6 weeks prior to my beginning my maternity leave

Bruce Triplet (302) 645-5296, can testify that Respondent was well aware that I was pregnant and would be taking maternity leave

Mauricio Miranda (302) 645-5296 (302) 228-4397 cell ; can testify that Respondent was aware that I was pregnant and would be taking maternity leave

**7. COMPARATIVE DATA:**

Raul Rodriguez/Roberto Gonzales (same person 2 names) took time off work for medical reasons and was not terminated

**8. CLASS HARM:**

N/A

**9. REMEDY/RELIEF SOUGHT:**

Other Damages

2-17-04  
DATE AND INITIAL

KB

PAGE #

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CONTINUATION OF EEOC AFFIDAVITSIGNATURE PAGE

This Affidavit has been prepared by a representative of the EEOC in an official capacity as part of an investigation. It has been read by me and I agree with the contents. Where changes (if any) were necessary, I have initialed such changes.

If affidavit is signed before a Notary Public, complete the following:-

  
Signature of Interviewee

State of \_\_\_\_\_

My Commission expires \_\_\_\_\_

County of \_\_\_\_\_

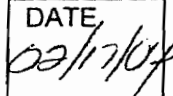
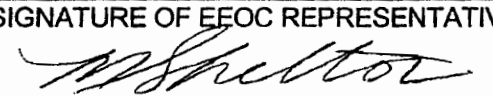
Subscribed and sworn to before me on

This day of \_\_\_\_\_,

20\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

Sign below if affidavit is signed before an EEO Representative:

I declare under the penalty that the foregoing is true and correct.			
DATE 	SIGNATURE OF WITNESS	SIGNATURE OF EEOC REPRESENTATIVE 	PAGE OF

**PRIVACY ACT STATEMENT:** (This form is covered by the Privacy Act of 1974, Public Law 93-579. Authority for requesting and uses of the personal data are given below.)

1. **FORM NUMBER/TITLE/DATE:** EEOC FORM 133, EEOC AFFIDAVIT, August 1985.
2. **AUTHORITY:** 42: USC 2000e(9), 29 USC 201, 29 USC 621.
3. **PRINCIPAL PURPOSES.** Provides a standardized format for obtaining from the Charging Party, Respondent and Witness sworn statements of information relevant to a charge of discrimination.
4. **ROUTINE USES.** These affidavits are used to: (1) make an official determination regarding the validity of the charge of discrimination; (2) guide the Commission's investigatory activity; and (3) in Title VII, Equal Pay Act, and Age Discrimination in Employment Act litigation, to impeach or substantiate a witness's testimony.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** Voluntary. Failure to provide an affidavit has no effect upon the jurisdiction of the Commission to process a charge. However, sworn statements submitted by the parties are, of course, relied upon more heavily than unsworn statements in making determination as to the existence of unlawful discrimination.





STATE OF DELAWARE DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS  
MEDIATION DEPARTMENT  
4425 NORTH MARKET STREET  
WILMINGTON, DE 19802  
(302) 761-8316/ FAX: (302) 761-6601

### INVITATION TO ENGAGE IN MEDIATION

Your Name (Please Print): Renee Butz

Employer's Name: Lawns Unlimited, Ltd

  X  

Yes, I would like to engage in mediation of my charge of employment discrimination.

       I would like more information on the program before deciding.

       I am not able to decide at this time whether I want to engage in mediation.

You will be contacted by a representative from our mediation unit within the next 30 days.

Renee Butz  
Signature

2-17-04  
Date

STATE OF DELAWARE  
DEPARTMENT OF LABOR  
DIVISION OF INDUSTRIAL AFFAIRS – DISCRIMINATION UNIT

Ms. Renee Butz  
58 Hickory Drive,  
North East, MD 21901

Case Number 04020302

vs.

Lawns Unlimited C/o  
Wilson, Halbrook & Bayard  
15089 Coastal Hwy  
Milton, DE 19968  
Attn: Eric C. Howard, Esq.

FINAL DETERMINATION AND RIGHT TO SUE NOTICE

Pursuant to 19 Del. C. § 710, *et seq.*, the parties in the above-captioned matter are hereby Noticed of the Department's Final Determination and Right to Sue Notice, as follows:

***Reasonable Cause Determination and Notice of Mandatory Conciliation.***

In this case, the Department has completed its investigation and found that there is reasonable cause to believe that an unlawful employment practice has occurred. Under the provisions of the law, the parties are now required to engage in mandatory conciliation with Theodore R. Robinson. Please be prepared to appear for conciliation on the following date and time Monday April 11, 2005 at 1:00 p. m. at the location of 4425 North Market Street Wilmington, DE 19809.

Your cooperation and good faith effort is anticipated. Your corresponding Delaware Right to Sue Notice will be effective one day after your compliance with the conciliation effort.

The reasonable cause finding is based primarily on the following facts:

In a Discrimination case, Charging Party must prove that she was treated less favorably/terminated based on her sex and pregnancy. The evidence provided in this case established that Charging Party was discharged in a discriminatorily biased manner based upon her sex and pregnancy. According to Title VII of the Civil Rights Act of 1964 Charging Party must successfully established that the Respondent did not hold open her employment position for her pregnancy related absence. The evidence did show that the Respondent ended the employment relationship prior to the conclusion of Charging Party's scheduled maternity leave. Respondent offered an explanation but did not provide sufficient evidence to support their position. Therefore, Charging Party has met her burden of proof in this case.

This Final Determination is hereby issued on behalf of the Department of Labor, Division of Industrial Affairs, Discrimination Unit. See the attached Notice of Rights.

3/31/05  
Date issued

Julie K. Cutler  
Julie K. Cutler, Administrator

4/25/05  
Date conciliation completed

Julie K. Cutler  
Julie K. Cutler, Administrator

*Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802*

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### NOTICE OF DELAWARE RIGHTS

*The Department of Labor Discrimination Unit provides the following excerpt from 19 Del. C. § 710, et seq. as information regarding the Delaware Right to Sue Notice. If you need legal advice, please seek your own legal counsel.*

#### **§ 714. Civil action by the Charging Party; Delaware Right to Sue Notice; election of remedies.**

(a) A Charging Party may file a civil action in Superior Court, after exhausting the administrative remedies provided herein and receipt of a Delaware Right to Sue Notice acknowledging same.

(b) The Delaware Right to Sue Notice shall include authorization for the Charging Party to bring a civil action under this Chapter in Superior Court by instituting suit within ninety (90) days of its receipt or within ninety (90) days of receipt of a Federal Right to Sue Notice, whichever is later.

(c) The Charging Party shall elect a Delaware or federal forum to prosecute the employment discrimination cause of action so as to avoid unnecessary costs, delays and duplicative litigation. A Charging Party is barred by this election of remedies from filing cases in both Superior Court and the federal forum. If the Charging Party files in Superior Court and in a federal forum, the Respondent may file an application to dismiss the Superior Court action under this election of remedies provision.

### NOTICE OF FEDERAL RIGHTS

1. If your case was also filed under federal law and resulted in a "No Cause" finding, you have additional appeal rights with the Equal Employment Opportunity Commission. Under Section 1601.76 of EEOC's regulations, you are entitled to request that EEOC perform a Substantial Weight Review of the DDOL's final finding. To obtain this review, you must request it by writing to EEOC within **15 days of your receipt** of DDOL's final finding in your case. Otherwise, EEOC will generally adopt the DDOL's findings.

2. If your case was also filed under federal law, you have the right to request a federal Right to Sue Notice from the EEOC. To obtain such a federal Right to Sue Notice, you must make a written request directly to EEOC at the address shown below. Upon its receipt, EEOC will issue you a Notice of Right to Sue and you will have ninety (90) days to file suit. The issuance of a Notice of Right to Sue will normally result in EEOC terminating all further processing.

3. Requests to the EEOC should be sent to:

Equal Employment Opportunity Commission  
The Bourse, Suite 400  
21 S. Fifth Street  
Philadelphia, PA 19106-2515

*Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802*

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(Del. Rev. 12/98)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

2005 JUL 15 PM 1:27

Benee M Butz

(Name of Plaintiff or Plaintiffs)

v.

CIVIL ACTION No. 05 - 495

Lawns Unlimited Ltd and  
Edward Fleming

(Name of Defendant or Defendants)

COMPLAINT UNDER TITLE VII

OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to *Title VII of the Civil Rights Act of 1964*, as amended, for **employment discrimination**. Jurisdiction exists by virtue of 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff resides at 58 Hickory Drive

(Street Address)

North East Cecil MD 21901

(City)

(County)

(State)

(Zip Code)

410 441 4300

(Area Code) (Phone Number)

3. Defendant resides at, or its business is located at 15089 Coastal Highway

(Street Address)

Milton Sussex DE 19968

(City)

(County)

(State)

(Zip Code)

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's Edward Fleming (Lawns Unlimited) place of business

(Defendant's Name)

located at 15089 Coastal Highway #

(Street Address)

Milton Sussex DE 19968

(City)

(County)

(State)

(Zip Code)



5. The alleged discriminatory acts occurred on 01 09 2003 to 07 01 2004 (letter dated 01/01/2004)

6. The alleged discriminatory practice ☐ is ☒ is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware, Division of Industrial Affairs + EEOC 4425 V market st (Agency) (Street Address) (City) Wilmington  
New Castle DE 19802 (County) (State) (Zip Code) 01 09 2003 to 07 01 2004 regarding defendant's alleged discriminatory conduct on (Day) (Month) (Year)

8. Plaintiff filed charges with the Equal Employment opportunity Commission of the United States regarding defendant's alleged discriminatory conduct on: 01 17 02 2004 (Day) (Month) (Year)

9. The Equal Employment Opportunity Commission issued the attached Notice-of-Right-to-Sue letter which was received by plaintiff on: 30 04 2005 (Day) (Month) (Year)

**(NOTE: ATTACH NOTICE-OF-RIGHT-TO-SUE LETTER TO THIS COMPLAINT.)**

10. The alleged discriminatory acts, in this suit, concern:

- A. ☐ Failure to employ plaintiff.
- B. ☒ Termination of plaintiff's employment.
- C. ☐ Failure to promote plaintiff.
- D. ☒ Other acts (please specify below)

Cancelled health insurance without written notice  
and did not offer Cobra. Did not receive Vacation,  
Sick, and Personal Time. Deleted overtime hours  
and no pay out on bonus.

11. Defendant's conduct is discriminatory with respect to the following:

- A. ☐ Plaintiff's race
- B. ☐ Plaintiff's color
- C. ☒ Plaintiff's sex
- D. ☐ Plaintiff's religion
- E. ☐ Plaintiff's national origin

12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

13. If relief is not granted, plaintiffs will be irreparably denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

14. Plaintiff's has no adequate remedy at law to redress the wrongs described above.

**THEREFORE, Plaintiff prays as follows: (Check appropriate letter(s))**

- A. ☒ That all fees, cost or security attendant to this litigation be hereby waived.
- B. ☒ That the Court appoint legal counsel.
- C. ☒ That the Court grant such relief as may be appropriate, including injunctive orders, damages, cost and attorney's fees.

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: 7/15/05

Renee M. Butts  
(Signature of Plaintiff)

\_\_\_\_\_  
(Signature of additional Plaintiff)

EEOC Form 161-B (10/96)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Renee Butz  
58 Hickory Drive  
North East, MD 21901

From: Equal Employment Opportunity Commission  
Philadelphia District Office  
The Bourse  
21 S. Fifth Street, Suite 400  
Philadelphia, PA 19106-2515

On behalf of person(s) aggrieved whose identity is  
~~CONFIDENTIAL (29 CFR § 1601.7(a))~~

Charge No.	EEOC Representative	Telephone No.
17C-2004-00296(formerly 17CA400296)	Legal Unit	(215) 440-2828

(See also the additional information attached to this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

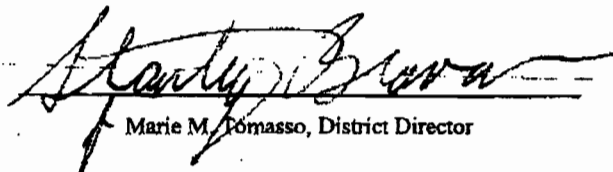
**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the  
Commission

  
Marie M. Tomasso, District Director

  
(Date Mailed)

Enclosure(s)

Information Sheet

cc: Director of Human Resources, Lawns Unlimited

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

2006 AUG 17 PM 12:55

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and  
EDWARD FLEMING,

Defendants.

Civ. No. 05-495-JJF  
Judge Joseph J. Farnan Jr.

FIRST AMENDED COMPLAINT

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination. Jurisdiction exists by virtue of 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff resides at 58 Hickory Drive, North East, Cecil County, MD 21901.  
Telephone number 410-441-4300.

3. Defendant resides at, or its business is located at 15089 Coastal Highway, Milton, Sussex County, DE 19968.

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's Edward Fleming (Lawns Unlimited) place of business located at 15089 Coastal Highway, Milton, Sussex County, DE 19968.

5. The alleged discriminatory acts occurred [on] from [01-09-2003 to 07-01-2004] September 1, 2003 to January 7, 2004.

6. The alleged discriminatory practice is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware, Division of Industrial Affairs & EEOC, 4425 N. Market St., Wilmington, New Castle County,



DE 19802, regarding defendant's alleged discriminatory conduct [on] from [01-09-2003 to 07-01-2004] September 1, 2003 to January 7, 2004.

8. Plaintiff filed charges with the Equal Employment opportunity Commission of the United States regarding defendant's alleged discriminatory conduct on [17-02-2004] February 17, 2004.

9. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which was received by plaintiff on [30-04-2005] June 9, 2006. See attached.

10. The alleged discriminatory acts, in this suit, concern: termination of plaintiff's employment and other acts including but not limited to canceled health insurance without written notice and did not offer Cobra. Did not receive vacation, sick, and personal time. Deleted overtime hours and no pay out on bonus.

11. Defendant's conduct is discriminatory with respect to the following: Plaintiff's sex.

12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.


13. If relief is not granted, plaintiff[s] will be irreparable denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

14. Plaintiff['s] has no adequate remedy at law to redress the wrongs described above.

THEREFORE, Plaintiff prays as follows:

- A. That all fees, cost or security attendant to this litigation by hereby waived.
- B. That the Court appoint legal counsel.
- C. That the Court grant such relief as may be appropriate, including injunctive orders, damages, cost and attorney's fees.

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410)441-4300  
Plaintiff pro se

Dated: 8/17/06



6. The alleged discriminatory practice is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware, Division of Industrial Affairs & EEOC, 4425 N. Market St., Wilmington, New Castle County, DE 19802, regarding defendant's alleged discriminatory conduct [on] from [01-09-2003 to 07-01-2004] September 1, 2003 to January 7, 2004.

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12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

13. If relief is not granted, plaintiff[s] will be irreparable denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

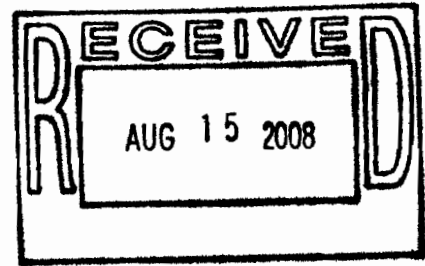
14. Plaintiff['s] has no adequate remedy at law to redress the wrongs described above.

THEREFORE, Plaintiff prays as follows:

A. That all fees, cost or security attendant to this litigation by hereby waived.



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE



RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD.

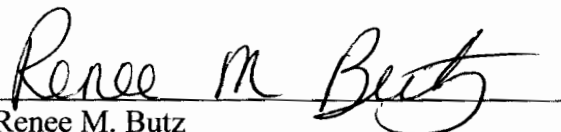
Defendant.

Civ. No. 05-495-JJF  
Judge Joseph J. Farnan Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Third Amended Complaint was sent by first-class United States mail, postage duly paid, on this 14<sup>th</sup> day of August, 2008, to counsel of record as follows:

Margaret D. DiBianca  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17<sup>th</sup> Floor  
1000 West Street  
Wilmington, DE 19801-0391

  
Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410) 441-4300  
Plaintiff pro se

Dated: 8-14-08



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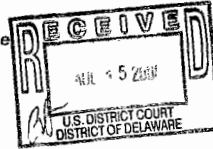


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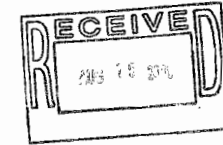
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Judge Joseph Ferman Jr.  
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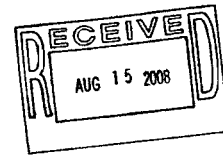
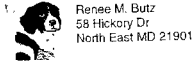
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